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SUBJECT: HAITI'S QUAKE PUTS CONSTITUTIONAL REFORM ON HOLD

¶1. (SBU) The January 12 earthquake has taken February 2010 elections off the table and put an end to plans of securing constitutional reform before the May 12 deadline. Haiti's 1987 constitution requires that two consecutive legislatures approve constitutional amendments prior to their entry into vigor. For constitutional reforms to apply to President Preval's successor, the final reading by a separate legislature must occur prior to May ¶2010. With the failure to elect a new legislature in February because of the post-quake cancellation, the current constitutional process will not be fulfilled by the May 2010 deadline, and reforms would have be reintroduced and in the best case scenario only become effective by 2016.

¶2. (SBU) The constitutional reform unifying the electoral calendar would have made elections more manageable and reduced costs to the cash-strapped state. Equally important is the constitutional reform's elimination of the prohibition of dual nationality, which has marginalized Haiti's dynamic diaspora community from the political and economic development of their homeland. Given that the organization of elections in the short-term is impossible, only two real options exist. Either the GOH delays reforms until 2016, with significant political and economic implications, or it comes up with a formula for reform not contemplated in the current constitution. During the national crisis following the departure of Baby Doc, a consensus emerged among the Haitian political class that this was the appropriate course of action. In the present crisis, it is possible that such a consensus could be forged again.

¶3. (SBU) Comment: Both the Government and the opposition share the view that constitutional reform is important. Once the immediate crisis subsides enough to allow a focus on needed reforms to resume, we expect Preval and the opposition to define a way forward for constitutional reform.
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